REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 3-10 and 12-20 are pending in this application. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance. By this Amendment, Applicants amend claims 1, 3, 4, 10, 12, 13 and 19 to improve matters of form. Support for the amendment to claims 1, 10 and 19 can be throughout the application for the present invention. For example, at page 1, lines 24-26, the specification for the present invention provides examples of encoding formats for media programs (such as digital movies) that include the RealVideo, RealMedia, MPEG, QuickTime and Windows Media encoding formats. In addition, at page 1, line 25 to page 2, line 3 of the application for the present invention states that exemplary audio encoding formats include RealAudio, Liquid Audio and Windows Media encoding formats. Further still, at page 2, lines 23-25 of the present application also mentions the MPEG II format as a media format.

Encoded media programs provided over a network use some type of CODEC, which is short for "coder/decoder." (See http://service.real.com/help/library/blueprints/7codecs/htmfiles/produce2.htm#1013321.) CODEC software tells a computer how to compress or decompress a clip. MPEG is a CODEC designed for video and audio sequences, MPEG-2 is a CODEC that descended from MPEG I, and MP3 is an audio compression CODEC. (For example, see http://www.vizvocus.com/eng/support/#Q3.) Similarly, RealVideo has a RealVideo CODEC

whose format includes files with the extension *.rm, and QuickTime has a QuickTime CODEC. (For example, see http://service.real.com/help/library/blueprints/7codecs/htmfiles/produce3.htm.)

The specification for the pending patent application states at page 6, lines 20-24, states that a user specifies one or more media formats to which to convert their media programs. Fig. 1 of the present application also shows a plurality of encoding engines 116a-116c.

In the Office Action mailed, claim 4 was objected to due to informalities; claims 3, 4, 12 and 13 were rejected under 35 U.S.C. §112; claim 19 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,298,385 to Sparks et al. (hereinafter "Sparks"); claims 1, 5, 10 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,385,596 to Wiser et al. (hereinafter "Wiser") in view of U.S. Patent No. 6, 138, 120 to Gongwer et al. (hereinafter "Gongwer"); claims 3, 4, 12 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Wiser in view of Gongwer; claims 6 and 15 were rejected under 35 U.S.C. §103(a) as unpatentable over Wiser in view of Gongwer further in view of U.S. Patent No. 5,421,620 to Sauerwine (hereinafter "Sauerwine"); claims 7, 8, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer further in view of U.S. Patent No. 5,852,435 to Vigneaux et al. (hereinafter "Vigneaux"); claims 9 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer further in view of U.S. patent No. 6,057,872 to Candelore ("Candelore"); and claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sparks. To the extent this rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

Claim Objections

Applicants made the changes suggested by the Examiner. Accordingly, the objection to claim 4 should be withdrawn.

Claim Rejections – 35 U.S.C. §112

Applicants amended claims 3, 4, 12 and 13 to correct problems with antecedent basis. Accordingly, the rejection under 35 U.S.C. §112 should be withdrawn.

Claim Rejections – 35 U.S.C. §102

Claim 19 was rejected under 35 U.S.C. §102(e) as anticipated by Sparks. Applicants respectfully traverse this rejection.

Claim 19 recites, in part, a method for hosting media content over a network, comprising "receiving a request to host a media program file in a selected encoding format, the selected encoding format being selected from a first encoding format with a first coder/decoder ("CODEC") and a second format with a second CODEC that differs from the first CODEC," and "hosting the encoded media file on a hosting server, wherein the hosting server is configured to allow selective access to the encoded media file over a network."

In contrast, Sparks discloses a method and apparatus for optimizing playback of media files over a data network. Sparks discloses a **transmission** format that relates only to how the particular file is transmitted (e.g., by 12.2 k baud modem, 28.8k baud modem, and ADSL format) and does not at all relate to **encoding** formats of the media program itself. Accordingly, Sparks does not disclose a first CODEC nor a second CODEC. Accordingly, the transmission format of Sparks is quite different from the encoding format as used in the present application.

Because Sparks does not teach each limitation recited in claim 19, the rejection under 35 U.S.C. §102(e) should be withdrawn.

Claim rejections – 35 U.S.C. §103

Claims 1, 5, 10 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Wiser in view of Gongwer. Applicants respectfully submit that a combination of Wiser and Gongwer does not teach or suggest independent claims 1 and 10.

Claim 1 recites, in part, a method for providing encoded media content over a network, the method comprising "receiving over the network a first request to encode one or more media program files," "for each media program file to be encoded, receiving a selection of encoding formats for encoding the media program file, wherein the selection includes a first encoding format with a first coder/decoder ("CODEC") and a second format with a second CODEC that differs from the first CODEC," and "after encoding the media program in the one or more selected encoding formats, if the client, in a second request, requests hosting of the one or more encoded media files, automatically hosting the one or more encoded media files on a hosting server, wherein the hosting server is configured to allow selective access by visitors to the one or more encoded media files over the network, as determined by the client." Claim 10 includes similar recitations.

Wiser relates to a "Content Manager" that allows "only a particular user to access the media for playback." (*See* Wiser at col. 9, lines 39-66). Because of the fundamental differences between the Wiser patent and the present invention, the Wiser structure does not allow a user to select an encoding format. Accordingly, Wiser fails to teach or suggest a selection that includes

"a first encoding format with a first coder/decoder ("CODEC") and a second format with a second CODEC that differs from the first CODEC," as recited in claims 1 and 10.

Also, as the Office Action correctly acknowledges, Wiser does not teach or suggest a client-selectable access system that allows "selective access by visitors to the one or more encoded files over the network, as determined by the client." In fact, Wiser fails to teach providing encoded media content that is responsive to a "first request" and a "second request," as recited in claims 1 and 10.

Gongwer fails to cure the deficiencies of Wiser. Gongwer relates to a system for sharing server sessions across multiple clients. More particularly, Gongwer relates to OnLine Analytical Processing data server systems. In Gongwer an OLAP data server allows data updates to independent clients during a current session. Thus, Gongwer provides a mechanism to permit sharing of uncommitted data values between independent clients. Gongwer does not relate to encoding formats, media content or the processing of media content.

Accordingly, Gongwer does not teach or suggest providing encoded media content that is responsive to a "first request" and a "second request," as recited in claims 1 and 10. Gongwer also does not teach or suggest that the "receiving a selection of encoding formats for encoding the media program file, wherein the selection includes a first encoding format with a first coder/decoder ("CODEC") and a second format with a second CODEC that differs from the first CODEC," as recited in claims 1 and 10. Further, Gongwer does not teach or suggest a client-selectable access system that allows "selective access by visitors to the one or more encoded files over the network, as determined by the client."

Because a combination of Wiser and Gongwer does not teach or suggest every limitation in the claims, the rejection of claims 1 and 10 under 35 U.S.C. §103(a) over Wiser and Gongwer should be removed.

Dependent claims 3-9, 12-18 and 20 are each believed to be patentable as being dependent upon a patentable independent claim.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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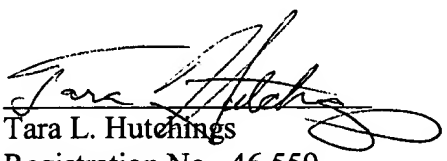
Respectfully submitted,

TOBIAS ET AL.

Date: February 28, 2005

By: 
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Attachments:

TLH/rss

Customer No. 28970